

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1624.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF OLIVE OIL.

On February 26, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Gaetano Marchesini, doing business under the firm name and style of Marchesini Bros., New York, N. Y., alleging shipment by him, in violation of the Food and Drugs Act, on October 13, 1909, from the State of New York into the State of Pennsylvania of a consignment of so-called olive oil which was adulterated and misbranded. The product was labeled: "Italian Produce Superfine Olive Oil F. Bertolli Lucca, Tuscany, Italy."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Specific gravity 15.6° C./15.6° C., 0.9181; index of refraction at 15.6° C., 1.4713; iodine number, 87.8; free fatty acids as oleic, 1.21 per cent; Halphen test for cottonseed oil, strongly positive; peanut oil test, negative; sesame oil test, negative; flavor, fair. Adulteration of the product was charged in the information for the reason that a certain substance other than olive oil, to wit, cottonseed oil, had been mixed and packed with said product so as to lower, reduce, and injuriously affect its quality and strength, and for the further reason that a certain substance, to wit, cottonseed oil, had been substituted in part for olive oil. Misbranding was alleged for the reason that the label regarding the product and the substances and ingredients contained therein was false and misleading, and said product was labeled so as to deceive and mislead the purchaser in that the label would indicate that the product was olive oil, whereas, in truth and in fact, it was not olive oil but a mixture of olive oil and cottonseed oil.

On April 12, 1912, the case coming on for trial before the court and a jury, a verdict of guilty was returned by the jury and the defendant was sentenced to pay \$300 fine and to ten days imprisonment in the county jail.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 20, 1912.*